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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/334,415	06/16/1999	CLAUDE BASSO	FR9-98-048	5316

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EXAMINER

JAGANNATHAN, MELANIE

ART UNIT PAPER NUMBER

2666

DATE MAILED: 07/23/2004

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Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action

Application No.

09/334,415

Applicant(s)

BASSO ET AL.

Examiner

Melanie Jagannathan

Art Unit

2666

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 27 May 2004 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check either a) or b)]

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
- b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.
- ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☒ The proposed amendment(s) will not be entered because:
- (a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);
 - (b) ☐ they raise the issue of new matter (see Note below);
 - (c) ☒ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
 - (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: See Continuation Sheet.

3. ☐ Applicant's reply has overcome the following rejection(s): _____.
4. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☐ The a) ☐ affidavit, b) ☐ exhibit, or c) ☐ request for reconsideration has been considered but does NOT place the application in condition for allowance because: _____.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☒ For purposes of Appeal, the proposed amendment(s) a) ☒ will not be entered or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: _____.

Claim(s) objected to: _____.

Claim(s) rejected: 1,3-5,7-25.

Claim(s) withdrawn from consideration: _____.

8. ☐ The drawing correction filed on _____ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____.
10. ☐ Other: _____

Continuation of 2. NOTE: Applicant argues reference Hjalmtysson does not disclose a means for sending a verification data stream to destination node after receiving acknowledgment message and means for sending back a response data stream after receiving verification data stream, the verification and response streams being used to check the characteristics of the connection previously established between source node and destination node and claim 1 teaches checking the connection for "characteristics" and Hjalmtysson has no disclosure of this by the source end station and destination end station through a communication there between using a verification data stream and response data stream. Applicant argues Hjalmtysson discloses the destination end station simply reporting that the quality of service connection has been established and the source end station has no way of verifying that report. Examiner contends reference Hjalmtysson discloses a QoS request sent from calling station after it has received a setup acknowledgment from called station, the called station returning a QoS commit message allowing the calling station to send QoS data and additionally the calling station sends back a QoS acknowledgment message to the called station so the called station may begin to transmit data that is assured of the quality of service. See Figure 9, and column 17, lines 1-23. Examiner also believes the called station returning a QoS commit message allowing the calling station to send QoS data and additionally the calling station sends back a QoS acknowledgment message to the called station so the called station may begin to transmit data that is assured of the quality of service teaches claim language presented where the verification and response are used to check the characteristics of the previously established connection. Applicant states it is a difference between "trust" and "verify" and Examiner believes, in light of claim language, this is taught in that Hjalmtysson discusses communication can be done on a best effort basis but user can wait for Q of S commitment before engaging and the Q of S commit message triggers the allocation of the resources required thus assuring user of quality in communication. See column 17, lines 11-23, column 18, lines 1-33. Applicant states claims 12 and 13 were not addressed in previous office action but Examiner would like to direct Applicant to page 4 of final rejection. Regarding claim 12, the claimed check of end-to-end transit delay of connection is disclosed by connection setup for purposes of connectivity that minimizes end-to-end delay. See column 6, lines 28-48. Regarding claim 13, the claimed check bandwidth allocation is anticipated by QoS request and QoS commit messages sent to set up quality of service needed for connection which includes bandwidth allocation. See column 9, lines 40-67 and column 10, lines 1-9.



FRANK DUONG
PRIMARY EXAMINER